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11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **OAKLAND DIVISION**

15
16 JEFF YOUNG, individually and on
behalf of all others similarly situated,

17 Plaintiff,

18 v.

19 CREE, Inc.,

20 Defendant.

Case No. 4:17-cv-06252-YGR

Hon. Yvonne Gonzalez Rogers

**[PROPOSED] ORDER
GRANTING CREE'S MOTION
FOR SUMMARY JUDGMENT ON
PLAINTIFF'S INDIVIDUAL
CLAIMS**

[Filed concurrently with Defendant's
Motion for Summary Judgment]

1 Defendant Cree, Inc.'s Motion for Summary Judgment came on for
 2 hearing on September 7, 2021 at 2:00 PM in the Courtroom of the Honorable
 3 Yvonne Gonzalez Rogers.

4 After full consideration of the briefing and arguments of counsel, the
 5 Court hereby rules that Defendant's Motion shall be **GRANTED** for the
 6 following reasons:

- 7 1) Plaintiff's First Cause of Action for Violation of the California Unfair
 8 Competition Law, Business and Professions Code § 17200, *et seq.*,
 9 Second Cause of Action for Violation of the California False
 10 Advertising Law, Business and Professions Code § 17500, *et seq.*,
 11 Third Cause of Action for Violations of the Consumer Legal
 12 Remedies Act, California Civil Code § 1750 *et seq.*, and Fourth
 13 Cause of Action for Fraudulent Misrepresentation and Concealment
 14 fail because Plaintiff admitted he did not rely on any of the
 15 representations listed in his Amended Complaint when deciding to
 16 purchase Cree bulbs.
- 17 2) Plaintiff's Fifth Cause of Action for Unjust Enrichment fails because
 18 no representation is actionable based on Plaintiff's admission that he
 19 did not rely on any representation in deciding to purchase Cree bulbs.
- 20 3) Plaintiff's Sixth Cause of Action for Breach of Express and Implied
 21 Warranties fails because Plaintiff lacks privity with Cree, admitted he
 22 did not comply with Cree's warranty's terms, and Cree did not breach
 23 any warranties-by-representation or its express limited warranty.

24 **IT IS SO ORDERED.**

25 Dated:

26
 27 Honorable Yvonne Gonzalez Rogers
 28 United States District Judge